

**REMARKS**

The present amendment is submitted in response to the Office Action mailed June 6, 2007. Claims 1-6 remain in this application. In view of the amendments above and the remarks to follow, reconsideration and allowance of this application are respectfully requested.

***Rejections under 35 U.S.C. §102(b)***

Claims 1 – 6 were rejected under 35 U.S.C. §102 (b) as being anticipated by European Patent Application Publication EP 0 837 472 A2 to Sony. Applicant respectfully traverses this rejections of Claims 1, 2, 5 and 9-12 under 35 U.S.C. §102 (b).

In the Office Action, the Examiner maintains that Sony teaches the essential elements of claim 1. Applicants respectfully disagree, however, Claim 1 has been amended. More particularly, Independent Claim 1 has been amended to better define Applicant's invention and to overcome the cited rejection.

Claim 1 now recites:

1. A method for recording data on a write once record carrier with sequential write access and a recorded area indicator indicating what area of the record carrier has already been used for recording and a last recorded data block being that data block beyond which no further recording has taken place,  
comprising the steps of:  
recording information in a data block;

updating the recorded area indicator to reflect the recording of information in the data block;

if a data block with write error is detected:

(ii) determining the location of the last recorded data block using information from the recorded area indicator; and

(ii) searching for an empty data block sequentially following the last recorded data block;

(iii) recording information in the empty data block sequentially following the last recorded data block.

Sony, as understood by Applicants, is directed to defect management to prevent the recording of data in defect areas. As a consequence, the signal recording apparatus of Sony is not disturbed by the presence of defects and knows adapted to recording sequential data on a recording medium, in which alternate processing of a defective sector is performed by slipping processing without performing certifying processing. (see Sony at pars. 13 and 14).

Slipping processing, as taught in Sony, is well known in the art. Sony teaches slipping in the Summary and in other places. In the Summary, Sony teaches that a real-time comparison is made between the read logical block address and the recorded logical block address. When no defective sector is detected, recording a unit of the logical block address in a sector of the next physical block address. Sony also teaches that when a defective sector is detected, re-recording the unit of the logical block address in a defective sector onto a sector of the next physical block address.

It is respectfully submitted that the slipping process of Sony does not teach or suggest the use of a recorded area indicator for any purpose. Accordingly, Sony it is

submitted that Sony does not teach at least the steps of, updating the recorded area indicator to reflect the recording of information in the data block and determining the location of the last recorded data block using information from the recorded area indicator.

Slipping is used in accordance with the DVD+R format, which is a non-rewritable format similar to CD-R. A DVD+R can record data only once and then the data becomes permanent on the disc. The disc can not be recorded onto a second time. Slipping, as taught in Sony uses slipping for writing to a DVD+R format as a means for performing contiguous recording in the presence of errors in real-time.

In contrast to Sony, the invention teaches, inter alia, a non real-time method for locating the endpoint of disks utilizing the DVD+RW formats, a re-writable format in which data can be written and re-written multiple times. Unlike the DVD+R format, in the case of rewritable disk, it is essential to provide some means for locating the endpoint of the disk. The invention provides such means via the record area indicator. More particularly, Claim 1, as amended, recites that the record area indicator provides a means for indicating what area of the record carrier (disk) has already been used for recording and for further indicating a last recorded data block to allow a determination of the location of the last recorded data block using information from the recorded area indicator.

It is therefore respectfully submitted that at least the limitations and/or features of independent Claim 1 is believed to be patentably distinct over Sony. Therefore, reconsideration and withdrawal of the rejection is respectfully requested and allowance of claim 1 is respectfully requested.

Claims 2 -3 depend from independent Claim 1 and therefore contain the limitations of Claim 1 and are believed to be in condition for allowance for at least the same reasons given for Claim 1 above. Accordingly, withdrawal of the rejection under 35 U.S.C. §102(b) and allowance of Claims 2 - 3 is respectfully requested.

Independent Claim 4, as amended, recites similar subject matter as Claim 1 and therefore contains the limitations of Claim 1. Hence, for at least the same reasons given for Claim 1, Claim 4 is believed to contain patentable subject matter.

Accordingly, withdrawal of the rejections with respect to Claim 4 and allowance thereof are respectfully requested.

Claims 5-6 depend from Claim 4, and therefore include the limitations of Claim 4. Hence, for the same reasons given above for Claim 4, Claims 5-6 are believed to contain patentable subject matter. Accordingly, withdrawal of the rejection with respect to Claims 5-6 and allowance thereof is respectfully requested.

### **Conclusion**

In view of the foregoing amendments and remarks, it is respectfully submitted that all claims presently pending in the application, namely, Claims 1-6 are believed to be in condition for allowance and patentably distinguishable over the art of record.

If the Examiner should have any questions concerning this communication or feels that an interview would be helpful, the Examiner is requested to call Mr. Mike Belk,

Intellectual Property Counsel, Philips Electronics North America, at 914-945-9643.

Respectfully submitted,



Michael A. Scaturro  
Reg. No. 51,356  
Attorney for Applicant

**Mailing Address:**  
**Intellectual Property Counsel**  
**Philips Electronics North America Corp.**  
**P.O. Box 3001**  
**345 Scarborough Road**  
**Briarcliff Manor, New York 10510-8001**